

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THOMAS MORAN, II, Receiver of the Assets of LifeTime Capital, Inc. and Certain Affiliated Persons and Entities, :
Plaintiff, : Case No. 3:05cv00071
vs. : District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington
A/C FINANCIAL, INC., et al., :
Defendants. :

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #599), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendations filed on August 30, 2006 (Doc. #599) is ADOPTED in full.
2. Defendant Robert C. Pacheco's Motion to Dismiss (Doc. #173) is DENIED without prejudice to renewal on alternate grounds.

September 20, 2006

***s/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge